

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

VICTORIA BELTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:08CV915RWS
	)	
JAMES B. PEAKE, Secretary,	)	
Department of Veterans' Affairs,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

Plaintiff Victoria Belton sues her former employer, Defendant Secretary of the Department of Veterans Affairs for race, gender, and religious discrimination in violation of Title VII of the Civil Rights Act of 1964 in Count I and 42 U.S.C. § 1981 in Count II. The Department of Veterans Affairs now moves to dismiss Count II because Title VII is the exclusive remedy for employment discrimination against the federal government. Belton responds that she takes no position with regard to this motion.


The complaint alleges that the Veterans Affairs Medical Center in St. Louis employed Belton, an African-American woman who practices the Pentecostal religion, as a registered nurse for approximately four years. Belton worked in the Operating Room. Sandra Sides was Belton's immediate supervisor. Belton also alleges that from 2002 to 2006, Sides systematically harassed Belton because of her race, gender, and religion by calling her derogatory names, yelling and screaming at her and calling her at home. Upper management was aware of Sides' behavior, but refused to intervene. Belton claims the Department of Veterans Affairs's actions violate Title VII and 42 U.S.C. § 1981.

Because the Civil Rights Act of 1964 “provides the exclusive judicial remedy for claims of discrimination in federal employment,” I will grant the department’s motion to dismiss Belton’s § 1981 claim. Brown v. Gen. Servs. Admin., 425 U.S. 820, 835 (1976).

Accordingly,

**IT IS HEREBY ORDERED** that Defendant’s motion to dismiss Count II [#7] is  
**GRANTED.**

Dated this 7th day of January, 2009.

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE